

Case 1:20-cv-08668-VM-OTW Scheduling Order Responses

Response #1: Summary of Claims, Defenses, and Relevant Issues

All Plaintiffs allege that Defendants Wohl, Burkman, J.M. Burkman & Associates, LLC, and Project 1599 (collectively, “Original Defendants”), conspired to intimidate voters and depress voter turnout in the 2020 presidential election through a robocall campaign. Original Defendants sent robocalls that targeted Black communities and interfered with New York State’s efforts to administer its elections. Plaintiff-intervenors New York State (People) have pled additional claims against Defendants Mahanian and Message Communications, who aided Original Defendants in the dissemination of the robocall. The conduct of the Defendants violates the Voting Rights Act of 1965, Section 2 of the Ku Klux Klan Act of 1871, Section 131(b) of the Civil Rights Act of 1957, New York Civil Rights Law § 9, and New York Civil Rights Law § 40-c.

Defendants Jacob Wohl, Jack Burkman, J.M. Burkman & Associates, LLC, and Project 1599 deny the material allegations in Plaintiffs’ respective Complaints, and refer to, and incorporate by reference herein, all defenses contained in their previously filed pleadings and motions.

Defendants Message Communications Inc. and Robert Mahanian (together, “Message Communications”) deny the material allegations in Plaintiffs’ respective Complaints, and refer to, and incorporate by reference herein, all defenses contained in their previously-filed Answer and Motions.

Response #3: Subjects on Which Discovery May Be Needed

Communications by and between the Defendants; Digital content created or posted by the Defendants; Documents or communications concerning financial transactions relevant to the claims brought in this lawsuit; Documents or communications related to the creation of audio and digital content relevant to the claims brought in this lawsuit.

Defendants Jacob Wohl, Jack Burkman, J.M. Burkman & Associates, LLC, and Project 1599 intend to seek all documents and information related to each of Plaintiffs’ allegations and claims contained Plaintiffs’ respective Complaints including, but not limited to, proof that each of the respective Plaintiffs’ received the alleged robocall, proof of residence, operative phone numbers, phone records and bills, proof of voter registration status during the relevant time period, and proof of alleged damages.

Message Communications intends to seek documents and information related to each of the allegations against Message Communications contained in Plaintiffs’ respective Complaints including, but not limited to, documents relating to the recorded message that is the subject of this Action.